

### **REMARKS**

Claims 1-13 are pending in this application. Claims 1, 6, and 12 are independent. In light of the remarks made herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 1-13 under 35 U.S.C. §103(a) as being unpatentable over Sogabe (USP 7,176,964) in view of Umeyama (U.S. Patent Application Publication No. 2002/0057473). Applicants respectfully traverse this rejection.

#### **Rejection under 35 U.S.C. §103**

In support of her rejection of claim 1, the Examiner asserts that Sogabe discloses all of the claim elements, except the apparatus being a mobile telephone. The Examiner relies on the teachings of Umeyama to cure the deficiencies of the teachings of Sogabe. Applicants respectfully disagree that the teachings of the cited references are sufficient to render the pending claims unpatentable.

The disclosure of Sogabe is directed to an electronic still camera having a continuous pickup mode and a display unit for displaying a frame image in a display manner specialized in the pickup mode in which the frame image is generated (Abstract).

Specifically, Sogabe discloses an electronic camera having a reproduction/image pickup mode selection switch 53 and a mode selection switch 54. Mode selection switch 54 cyclically changes between Reproduction Modes I and II if switch 54 is in the reproduction mode. Mode selection switch 54 cyclically changes between Continuous Pickup Mode, Shutter Change Mode and Single Pickup Mode when switch 54 is in the image pick up mode (see col. 4, lines 15-32).

Sogabe discloses in col. 6, lines 21-46 as follows:

FIG. 5 is a flowchart showing a first half of the processing of the camera 1 set in the Reproduction Mode I. Specifically, if the Reproduction Mode I is selected by the mode selection switch 54 after the camera 1 is set in the reproduction mode by the image

pickup/reproduction switch 53, the control unit 7 outputs a control signal and causes the reading of the latest image data file stored in the storage medium 3. The read image data file is reproduced into an image data by the image processing unit 4 and an image corresponding to the tag information file in the image data file is sent to the display unit 6 (Step #100). Specifically, the display unit 6 displays the image in the normal display format shown in FIG. 2A if no continuous frame information is included in the image data file. **On the other hand, if the continuous frame information is included in the image data file, the display unit 6 displays images in the 1/4 or 1/9 multi-display format shown in FIG. 2B or 2D.** Here, a value representing the frame number of the image displayed in the display unit 6 is substituted for a reproduced frame number "m" used in the following processing.

Thereafter, it is discriminated whether the image pickup/reproduction switch 53 has been switched to set the image pickup mode (Step #105). If the discrimination result is in the affirmative, the processing of this flowchart ends. It should be noted that a flowchart of the image pickup mode is executed thereafter. (Emphasis added)

The Examiner asserts that Sogabe discloses "an image data playback unit for continuously and simultaneously displaying on said display unit the plurality of said image data stored in said first image data storage unit, while the continuous photographing function is set, until input from a user is received." The Examiner relies on the highlighted portion noted above to support this assertion. Applicants respectfully disagree with the Examiner's interpretation of the teachings of Sogabe.

The disclosure above regarding Fig. 5 clearly recites the situation where the camera is in a reproduction mode via switch 53, not in an image pickup mode (or the continuous pickup mode). Sogabe discloses that the display of Fig. 2B or 2D may display a plurality of images that were captured during the continuous pickup mode. However, Sogabe clearly discloses that these displays are made during the reproduction mode.

The Examiner may be interpreting Sogabe to teach displaying the plurality of images captured during the continuous pickup mode even after the mode is switched via switch 53 to the image pickup mode in Step 105 of Fig. 5. In other words, the Examiner may be interpreting Sogabe to teach displaying the images on the display even after the mode has been changed via switch 53 to an image pickup mode. Sogabe appears to be silent with regard to Fig. 5 about what

happens to the display when the mode switch is changed from the reproduction mode to the image pickup mode.

However, col. 3, lines 1-4 teaches the electronic still camera including a display unit 6 for displaying an image to be picked up or a reproduced image. As such, Applicants maintain that this teaching supports a proper interpretation that when the mode is changed from a reproduction mode to an image pickup mode via switch 53, the images in the reproduction mode are no longer displayed and the image to be picked up is displayed.

As such, when considering a proper interpretation of Sogabe, Sogabe fails to teach or suggest an image playback unit for continuously and simultaneously displaying on said display unit the plurality of said original image data while the continuous photographing function is set. As Umeyama fails to cure the deficiencies of the teachings of Sogabe, Applicants maintain that claim 1 is patentable over the references as cited. It is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 2-5 and 8-10 are allowable for the reasons set forth above with regard to claim 1 at least based on their dependency on allowable claim 1. It is further respectfully submitted that claims 6 and 12 similarly recite the claim elements discussed above with regard to claim 1, claims 6 and 12, together with claims dependent thereon, are patentable over the references as cited.

### **Conclusion**


In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisin at Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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